

### **REMARKS**

Claims 15, 16, 19-21, 24-27, 32-35, 37-41, 43, and 46 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **INTERVIEW SUMMARY**

Applicants thank the Examiner for the interview granted on April 5, 2011. During the interview, proposed language for inclusion in the claims was discussed with the Examiner. Although no specific language was agreed upon, it is believed that an agreement is reached that inclusion of various structural recitations regarding a throughbore in at least a portion of the claimed apparatus overcame at least the cited art.

Applicants respectfully request that if the amendments made to the claims herein do not place all of the claims in condition for allowance, that Applicants be contacted prior to the mailing of any further Office Actions.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 15, 16, 19-21, 24-26, 35, 37-41, 43 and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Scarborough et al. (U.S. Pat. No. 5,632,747) (herein Scarborough) in view of Lin (U.S. Pat. No. 6,808,182). Claims 27 AND 32-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Scarborough et al. (U.S. Pat. No. 5,632,747) (herein Scarborough) in view of Bobic et

al. (U.S. Pat. No. 5,919,196) (herein Bobic). These rejections are respectfully traversed.

Applicants have previously discussed Scarborough et al. and Bobic in Applicants previous amendments, and do not discuss these references in detail here.

Lin is newly cited in the outstanding Office Action. Lin is directed to a chuck device 1 that has a body 2 that has a slot 21 that receives a portion of an instrument such as a tongue 50 that has an aperture 51 in the tongue. The chuck assembly further includes a pin 34 that is held in the body 2 and slides along a tapered wall 311 to move towards the slot 21 and further through the aperture 51 to hold the instrument relative to the chuck. The body 2 is moved by a spring 33 to bias the body towards the tapered peripheral wall 311. A solid connection rod 1 is connected to a second end of the body 2 such that the slot 21 does not pass through the body and through the connection rod 1. Accordingly, Lin discloses a body 2 that includes a slot 21 into which the pin 34 moves to hold the instrument relative to the body 2. Lin specifically discloses that the body 2 does not have a passage completely through it and requires that the pin pass through the slot 21 in the body 2 to engage the instrument.

Independent Claim 1 is amended to recite "a collet assembly including a selectively engageable mechanism, said collet assembly further having a sleeve defining a sleeve throughbore, a collar disposed within said sleeve throughbore and having a collar throughbore, and a compression spring within said sleeve throughbore providing a biasing force on said collar; a harvester to selectively engage said selectively engageable mechanism and to be at least partially disposed within said sleeve throughbore, said harvester defining a harvester throughbore." The

amendments to Independent Claim 15 are supported by the application as filed, including at least Fig. 3 and the related description. As discussed above, Applicants respectfully submit that the cited art, including Lin, either alone or a combination, does not anticipate or render obvious a collet assembly having a sleeve with a sleeve throughbore and a collar with a collar throughbore. Additionally, as discussed above, the harvester has a harvester throughbore. Lin specifically teaches away from a throughbore by requiring that the pin 34 of Lin move into the slot 21 to engage an instrument and that the connection member 1 be fixed within an end of the body 2 of the chuck assembly. Thus Lin is contrary to the presently pending Independent Claim 15, as exemplarily embodied the Fig. 3, that includes a throughbore through the collet 26 including the chuck engaging portion 28 and the collar 42. Applicants respectfully submit that Fig. 3 is not intended to limit the scope of Independent Claim 15, but merely illustrates an embodiment of Independent Claim 15. Accordingly, Applicants respectfully submit that Independent Claim 15 is allowable in light of the cited art including Lin, either alone or in combination with the other cited references. In addition, Applicants respectfully submit that these amendments do overcome the outstanding rejections based on currently cited art, and therefore, Independent Claim 15 and the claims that depend therefrom are in condition for allowance in light of the cited art.

Additionally, dependent Claim 16 is amended and supported by the application as filed, including Fig. 3 and the related description, and now recites "wherein said collar throughbore, said sleeve throughbore, and said harvester throughbore are operable to be substantially coaxial". Again, Applicants respectfully submit that the cited art does not anticipate or render obvious the throughbore, as recited in dependent Claim 16, or

that they can all be substantially coaxial or that a plunger is moveable within a graspable assembly bore, as recited in dependent Claim 16.

Independent Claim 27 is amended to recite "removing said trapped selected length of bone from said harvesting member into a selected location at least by pushing said trapped selected length of bone from a throughbore defined at least through said harvesting member and said collet." As discussed above, Applicants respectfully submit that the cited art is silent regarding a method of interconnecting a harvesting member with a collet in a quick release manner and removing a trapped selected length of bone from a harvesting member by pushing the trapped selected length of bone from a throughbore defined at least through the harvesting member and the collet. At least Lin specifically teaches away from the recited method by requiring that the pin 34 move into the slot 21 of the body 2 and that the connection number 1 is fixed to an end of the body 2. Thus, the method of Independent Claim 27 is not anticipated or rendered obvious by the art cited in the rejections. Support for amended Independent Claim 27 is found in the application as filed, including at least in original Claims 32 and 33 and in Fig. 13 and the related discussion. Accordingly, Independent Claim 27 and the claims that depend directly or indirectly therefrom, are a condition for allowance in light of the cited art.

Dependent Claim 34 is also amended to recite "wherein interconnecting said harvesting member with said collet in a quick release manner further includes positioning said harvesting member over a member having a member cannula and moving a collar within a throughbore of a sleeve against said biasing member to allow a pin to engage the harvesting member and remain exterior to at least said member

cannula.” Applicants respectfully submit that support for the amendment to dependent Claim 34 can be found in the application as filed, including at least Fig. 3 and the related disclosure. Applicants also respectfully submit that the amendment to Claim 34 clearly distinguish over the cited art at least because Lin requires that the pin 34 engage the slot 21 and pass through an aperture in a tool. The other cited art does not overcome the failings of Lin regarding the method recited in dependent Claim 34. Accordingly, dependent Claim 34 also includes patentable subject matter and should be in condition for allowance in light of the cited art.

Independent Claim 35 has been amended to recite “a connecting assembly including a connecting member having a connecting member cannula . . . and a bearing member positioned within a sleeve. . . wherein said bearing member engages a bearing aperture of the harvest member in a quick release manner to selectively hold said harvest member relative to said graspable member and said bearing member remaining substantially external to said connecting member cannula.” As discussed above, Applicants respectfully submit that the cited art is completely silent regarding a connecting member cannula and a bearing member that remains external to said connecting member cannula. As discussed above, Lin specifically discloses that the pin 34 engages a slot 21 in the body 2, even assuming that the pin 34 can be the recited bearing and the body 2 be the recited connection member. Initially, Lin does not disclose a cannula through the body 2. Further, Lin actually teaches away from maintaining the pin 34 external to the slot 21, which is the only portion that extends into the body 2. Accordingly, Independent Claim 35 is in condition for allowance in light of the cited art, as are all of the claims that depend directly or indirectly therefrom.

Additionally, dependent Claim 37 has been amended to recite "said harvest member includes a cannula operable to be aligned with said connecting member cannula." Again, Applicants respectfully submit that Lin is completely silent regarding a connecting member cannula or a harvest member cannula, therefore they can not be aligned. Additionally, Applicants respectfully submit that the other cited art is completely silent regarding aligning cannulas as recited in dependent Claim 37. Applicants respectfully submit that support for the amendments to both Claims 35 and 37 can be found in the application as filed, including at least in Fig. 3 and the related disclosure.

Independent Claim 41 is amended to recite "a collet assembly including a sleeve defining an internal sleeve bore . . . a member having a member cannula . . . at least partially positioned within said internal sleeve bore . . . wherein said bearing member extends through said bearing aperture and contacts a bearing locking depression in said sleeve to hold said collar in a selected position and hold said harvesting member relative to said a graspable portion while said bearing member is maintained substantially external to said member cannula." Dependent Claim 43 is further amended to recite "a plunger member; wherein said plunger member is operable to be moved through said harvesting cannula and said member cannula simultaneously to remove the selected bone core from said harvesting cannula." Support for the amendments to both Claims 41 and 43 can be found in the application as filed at least in Figs. 3 and 13 and in the related disclosure. Applicants respectfully submit that the cited art does not anticipate or render obvious Claims 41 and 43 at least for the reasons discussed above. In particular, Lin is specifically contrary to the member cannula and harvester cannula, as recited, by requiring that the pin 34 engage the slot 21 of the body 2. Lin does not

disclose a cannula and further discloses that the pin 34 must pass through even a slot 21 in the body 2. Applicants respectfully submit that the other cited art does not overcome the failings of Lin at least in this regard. Accordingly, Independent Claim 41 and the claims that depend therefrom are in condition for allowance over the cited art.

Applicants respectfully submit that the amendments included herein are substantially in line with the spirit of the discussion with the Examiner during the interview summarized above. Accordingly, Applicants respectfully submit that the current amendments overcome the outstanding rejections in light of the presently cited art. Accordingly, Applicants respectfully request that all of the presently pending claims be indicated as allowed and that a Notice of Allowance be forwarded at the Examiner's earliest convenience.

## CONCLUSION

As discussed above, Applicants have amended each of the currently pending independent claims. Applicants respectfully submit that the independent claims have been amended to expedite prosecution of the current application and are in condition for allowance in light of the art cited in the rejections. Accordingly, Applicants submit that all of the stated grounds of rejections have been traversed, accommodated, or rendered moot. Applicants respectfully request that the Examiner withdraw all of the outstanding rejections and pass the present application to allowance at the Examiner's earliest convenience. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Dated: May 2, 2011

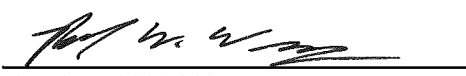
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